



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Scott Lambert
329 Monadnock Highway
East Swanzey, NH 03446

RE: Massey Hill Road Property

**AMENDMENT TO
ADMINISTRATIVE ORDER
No. WD 01- 33**

March 12, 2002

A. INTRODUCTION

This Amendment to Administrative Order No. WD 01-33, originally issued October 10, 2001 (the "Order"), is issued by the Department of Environmental Services, Water Division ("DES") to Scott Lambert, pursuant to RSA 485-A:22 and RSA 482-A:6.

B. AMENDMENT

The following amendments are hereby made to Administrative Order No. WD 01-33

Add the following to Section C "Statements of Facts and Law"

11. On November 6, 2001, DES personnel inspected the Property to assist Scott Lambert in achieving compliance with the Order.

12. DES provided this assistance at the request of Mr. Lambert who had indicated that he was financially unable to retain an engineer or certified wetlands scientist as required by the Order.

13. In an effort to assist with and expedite compliance, DES personnel developed Restoration Guidelines to meet the goals of the Order, and emphasized that no additional fill material could be brought to the property and that Mr. Lambert was to cease and desist all activities on the Property, except as necessary to stabilize the Property.

14. Following their inspection on November 6, 2001, DES personnel received information from the Swanzey Code Enforcement Officer that trucks from Waste Management, Inc. delivered waste products to the Property after DES personnel left the Property.

15. On November 7, 2001 DES Wastewater Engineering Bureau, Sludge and Septage Section personnel inspected the Property to investigate an odor concern. The inspection revealed composted chicken body parts and/or manure waste deposited on the Property which was located approximately 100 feet away from the existing stream and wetlands.

16. On November 8, 2001 DES personnel ordered the removal of all chicken and/or manure waste products on the Property to an approved location by November 11, 2001, and indicated that failure to respond in a timely manner to any of the recommendations outlined by DES would result in referral to the Department of Justice for civil penalties.
17. DES summarized its efforts to assist Mr. Lambert, as discussed in Paragraphs 11-15, in a letter to Mr. Lambert dated November 9, 2001. That letter included a copy of the Restoration Guidelines prepared by DES personnel.
18. On February 15, 2002 DES personnel conducted a field inspection of the Property, and observed the following:
 - a. A large pile of manure and compost was present on the Property in violation of the cease and desist order issued by the Department of Agriculture on December 3, 2001
 - b. Improper installation of temporary erosion/sediment control measures (i.e., silt fence not trenched in).
 - c. Some areas of the Property did not have any erosion control measures in place.
 - d. Incomplete removal of the fill along the edge of the impacted wetlands
 - e. Excavation at inlet of culvert had not been filled-in to restore jurisdictional seep.
 - f. The culvert did not have an appropriate headwall as required per wetlands rules.
 - g. Documentation of restoration, including photos of restoration sequencing and receipts of purchase for loam and seed, had not been provided to DES personnel as required per the letter to Mr. Lambert dated November 9, 2001.
2. Add the following to Section D "Determination of Violations"

The violations named in the Order had not been resolved as of the February 15, 2002 site inspection.
- 3 Amend Section E "Order" as follows:
 10. Contract a certified wetland scientist no later than March 22, 2002 to prepare a restoration plan that addresses all impacts to wetlands. Contract an engineer licensed in the state of New Hampshire no later than March 22, 2002 to prepare an erosion and sediment control plan for the Property, and to prepare an application for a Site Specific Permit. Notify DES no later than March 25, 2002 of the names of the parties contracted to prepare the aforementioned plans.


11. Within 30 days of this Amendment, submit an application for a Site Specific Permit to DES for the Site. The application shall be prepared by an engineer licensed in the State of New Hampshire, and in accordance with Env-Ws 415.05.

12. Within 30 days of this Amendment, submit an application for a wetlands permit to DES for the Property.

13. Within 30 days of this Amendment, submit a wetlands restoration plan to DES for review and approval. The restoration plan shall be prepared by a certified wetland scientist, and include provisions for restoration of the wetland and surface waters impacted by activities at the Property.

In all other respects, the Order remains in full force and effect.

This Amended Order is being recorded in the Cheshire County Registry of Deeds so as to run with the land.


COPY

Harry T. Stewart, P.E., Director
Water Division


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George Dana Bisbee Assistant Commissioner

Certified Mail #7099 3400 0003 0689 5881

cc: ✓ Gretchen Rule, DES Legal Unit
Charles Knox, DES PIP Office
Cheshire County Registry of Deeds
Ana Ford, WQE/WD/DES
Mary Ann Tilton, WET/WD/DES
Swanzey Planning Board
Swanzey Conservation Commission